

Message

From: Chin, Lucita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EA404E3F56574242AEE0811A07E309FC-CHIN, LUCITA]
Sent: 8/29/2017 8:17:21 PM
To: Shea, Valois [Shea.Valois@epa.gov]
Subject: RE: Dewey Burdock

?? Not 3:30 his?

Lucita Chin
Associate Regional Counsel
Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202
Office: (303) 312-7832

From: Shea, Valois
Sent: Tuesday, August 29, 2017 2:12 PM
To: Chin, Lucita <Chin.Lucita@epa.gov>
Subject: RE: Dewey Burdock

He thought it was scheduled for 3:30 mtn time. I told him we will need to wait till next week to reschedule.

Valois

Valois Shea
U.S. EPA Region 8
MailCode: 8WP-SUI
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: (303) 312-6276
Fax: (303) 312-6741
Email: shea.valois@epa.gov

From: Chin, Lucita
Sent: Tuesday, August 29, 2017 1:44 PM
To: David Ganje <davidganje@ganjelaw.com>; Shea, Valois <Shea.Valois@epa.gov>
Subject: RE: Dewey Burdock

Hi Mr. Ganje –

Valois and I are waiting on the conference line for our call with you. That number is: Conference Call #:

Passcode:

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

Will you be able to join us?

Lucita Chin
Associate Regional Counsel
Environmental Protection Agency

1595 Wynkoop St.
Denver, CO 80202
Office: (303) 312-7832

From: David Ganje [<mailto:davidganje@ganjelaw.com>]

Sent: Monday, August 28, 2017 3:54 PM

To: Shea, Valois <Shea.Valois@epa.gov>

Cc: Chin, Lucita <Chin.Lucita@epa.gov>

Subject: RE: Dewey Burdock

Thanks much

Yes please set up a 3 way conference call if possible

If you wish to use my access number you can use Ex. 6 Personal Privacy (PP) cod

Ex. 6 Personal Privacy (PP)

Tomorrow afternoon or Wednesday afternoon looks good

David L Ganje
Ganje Law Offices
Web: lexenergy.net
605 385 0330
701 355 6885
518 437 9000
davidganje@ganjelaw.com

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From: Shea, Valois [<mailto:Shea.Valois@epa.gov>]

Sent: Monday, August 28, 2017 5:36 PM

To: David Ganje <davidganje@ganjelaw.com>

Cc: Chin, Lucita <Chin.Lucita@epa.gov>

Subject: RE: Dewey Burdock

Because the Deadwood wells fit the definition of Class I wells in the federal UIC regs. The classification of injection wells is based on the stratigraphic location of the injection zone relative to underground sources of drinking water in addition to the type of injectate.

If you would like to talk through this in person, I can set up a call with our UIC attorney. Then we can have a back and forth discussion that would clarify things better. I have copied her to give her a heads up.

Valois

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From: David Ganje [<mailto:davidganje@ganjelaw.com>]

Sent: Monday, August 28, 2017 3:30 PM

To: Shea, Valois <Shea.Valois@epa.gov>

Subject: RE: Dewey Burdock

Thanks for the info

But the proposed well[s] into the Deadwood were not described by the developer as

Radioactive waste disposal wells. They are the same type of wells with the same type of product waste that is to be injected into the Minnelusa. So why did they need to abandon the Deadwood if it is the same injection material?

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From: Shea, Valois [<mailto:Shea.Valois@epa.gov>]
Sent: Monday, August 28, 2017 4:39 PM
To: David Ganje <davidganje@ganjelaw.com>
Subject: RE: Dewey Burdock

Please see answers below.

Valois

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From: David Ganje [<mailto:davidganje@ganjelaw.com>]
Sent: Saturday, August 26, 2017 2:11 PM
To: Shea, Valois <Shea.Valois@epa.gov>
Subject: Dewey Burdock

Hello

I was looking at the Fact Sheets on the Class V application. This indicates that the two proposed wells which would have been injected into the Dakota (Deadwood?) formation would not be permitted because it is prohibited under 40 CFR § 144.6(a)(2).

As discussed in the Section 2.1 *Injection Well Classification*, the wells proposed for injection into the Deadwood Formation would be classified as Class I wells under 40 CFR 144.6(a)(3)(radioactive waste disposal wells) because the Deadwood is below the lowermost underground source of drinking water. The Deadwood class I wells could be authorized under the federal UIC regulations, but a State of South Dakota regulation prohibits Class I wells in South Dakota. For this reason, Powertech withdrew their request for a permit for the Deadwood well. Class V Fact Sheet Section 2.1 walks through the UIC well classification regulations, explaining that the Minnelusa wells fit the definition for Class V wells and can be authorized as Class V wells as long as the injectate is treated to below radioactive waste standards.

So please help me understand the situation. The wells under consideration that would be injected into the Minnelusa aquifer appear to me to meet the same prohibited restriction under 40 CFR § 144.6(a)(2). Would you please direct me to the info that would help me understand this? Thanks.

David L Ganje
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